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Josef Drexl, Mor Bakhoum, Eleanor M. Fox, Michal S. Gal and David J. Gerber (eds.):
Competition Policy and Regional Integration in Developing Countries · Edward Elgar,
Cheltenham, UK; Northampton, MA, USA, 2012. pp. xiv, 333. ISBN 978 1 78100 430 2. £90.00
A. Heinemann 375